

REMARKS

Claims 1-7 and 26-39 are currently pending in the subject application, and are presently under consideration. Claims 1-7 and 26-39 are rejected. Claim 36 has been cancelled. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I. Rejection of Claim 36 Under 35 U.S.C. §112, First Paragraph

Claim 36 stands rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. To facilitate prosecution of this application, claim 36 has been cancelled. Accordingly, withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 1-3, 5, 26-29 and 32-33 Under 35 U.S.C. §103(a)

Claims 1-3, 5, 26-29 and 32-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,148,261 to Obradovich, et al. ("Obradovich") in view of U.S. Publication No. 2004/0165369 to Lionetta, et al. ("Lionetta"). Enclosed are Declarations by Robert R. Berry, Henry Frank Gasbarro, and Joseph E. Carpenter, the inventors of the above references application, under 37 C.F.R. §1.131 establishing that the subject matter recited in claims 1-7 and 26-39 was conceived of and reduced to practice prior to February 13, 2003, the earliest available priority date of Lionetta. The Declarations could not have been presented earlier, because Smith was first cited in the Final Office Action mailed January 14, 2008 (hereinafter: "the Final Office Action").

Applicants' representative acknowledges that Exhibit C, which demonstrates the claimed tablet computer in operation, is a photograph taken February 18, 2003, five days after the earliest priority date of Lionetta. It is respectfully submitted, however, that the disassembled device shown in Exhibit A along with the short time frame between the priority date of Lionetta and the date of the photograph provides a showing of facts that is sufficient, in character and weight, as to establish reduction to practice in this country prior to February 13, 2003. To the extent that

the inventors' sworn statements that the prototype photographed in Exhibit C was built prior to February 13, 2003 is not accepted, it is respectfully submitted that, at the very least, conception of the invention is apparent from Exhibits A and B, and that Exhibit C represents a reduction of the invention to practice at least by February 18, 2003. The construction of the photographed prototype in Exhibit C over a five day span would represent clear diligence in reducing the invention to practice. It is thus respectfully submitted that either conception and reduction to practice of the claimed invention prior to the February 13, 2003 priority date of Lionetta or conception of the invention prior to that date and diligent reduction to practice has been established. Lionetta should therefore not be available as prior art under 35 U.S.C. §102(e).

The current application was filed prior to the August 26, 2004 publication of Lionetta, so Lionetta also fails to qualify as prior art under 35 U.S.C §102(a) and 35 U.S.C §102(b). The Final Office Action acknowledges that Obradovich does not disclose one or more elements of claims 1-3, 5, 26-29 and 32-33, relying on Lionetta to provide these teachings. Applicant therefore respectfully requests that the rejection of claims 1-3, 5, 26-29 and 32-33 be withdrawn.

III. Rejection of Claim 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Obradovich in view of Lionetta as applied to claim 1, and further in view of "Xilinx" by Bielby ("Bielby"). Since the rejection of claim 4 also relies upon Lionetta, applicant respectfully requests that the rejection of claim 4 be withdrawn.

IV. Rejection of Claims 6, 30, 34 and 36-39 Under 35 U.S.C. §103(a)

Claims 6, 30, 34 and 36-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Obradovich in view of Lionetta as applied to claim 1, and further in view of U.S. Patent No. 6,542,117 to Broughton ("Broughton") and in further view of U.S. Publication No. 2003/0032426 to Gilbert, et al. ("Gilbert"). Since the rejection of claims 6, 30, 34 and 36-39 also relies upon Lionetta, applicant respectfully requests that the rejection of claims 6, 30, 34 and 36-39 be withdrawn.

V. Rejection of Claims 7, 31 and 35 Under 35 U.S.C. §103(a)

Claims 7, 31 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Obradovich, in view of Lionetta as applied to claim 1, and further in view of Broughton, and in further view of Gilbert as applied to claim 6, and further in view of U.S. Publication No. 2005/0162334 to Saunders, et al. ("Saunders"). Since the rejection of claims 7, 31, and 35 also relies upon Lionetta, applicant respectfully requests that the rejection of claims 7, 31, and 35 be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

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